

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 585**

Introduced by Dierks, 40.

Read first time January 21, 2009

Committee: Agriculture

A BILL

- 1 FOR AN ACT relating to agriculture; to adopt the Bovine
- 2 Trichomoniasis Control Act; and to provide a penalty.
- 3 Be it enacted by the people of the State of Nebraska,

1           Section 1. Sections 1 to 5 of this act shall be known and  
2 may be cited as the Bovine Trichomoniasis Control Act.

3           Sec. 2. For purposes of the Bovine Trichomoniasis Control  
4 Act:

5           (1) Accredited veterinarian means a veterinarian approved  
6 by the deputy administrator of the United States Department of  
7 Agriculture, Animal and Plant Health Inspection Service, Veterinary  
8 Services, to perform functions required by state-federal-industry  
9 cooperative programs. For the bovine trichomoniasis control  
10 program, the accredited veterinarian shall have completed the  
11 required trichomoniasis sample training and his or her duties shall  
12 include annual herd visits, animal testing, and producer education.  
13 All samples for program testing shall be collected by an accredited  
14 veterinarian and submitted to an approved laboratory;

15           (2) Anniversary date means the date of the initial herd  
16 test for entry into the program. Once established, the anniversary  
17 date remains the same, regardless of subsequent herd tests;

18           (3) Approved laboratory means a laboratory accredited by  
19 the American Association of Veterinary Laboratory Diagnosticians;

20           (4) Bureau means Bureau of Animal Industry of the  
21 Department of Agriculture and includes the state veterinarian,  
22 the deputy state veterinarian, an animal epidemiologist, and any  
23 other veterinarians, livestock inspectors, investigators, and other  
24 employees all of whom are employed by the bureau;

25           (5) Biosecurity means animal husbandry and hygiene

1 practices designed to limit opportunities for exposure to  
2 trichomonas foetus;

3 (6) Commingling means sexual contact among breeding  
4 cattle. For example, all cattle grazed together or on the same  
5 area of a property or farm at any time during any twelve-month  
6 period are considered to be commingled;

7 (7) Complete herd test means an official trichomonas  
8 foetus test from each nonvirgin bull in the herd;

9 (8) Exposure means contact with known infected animals or  
10 contact with infected herds;

11 (9) Herd means a group of cattle over twelve months of  
12 age, male and female, managed as a separate and discrete unit, not  
13 commingled with other groups of susceptible species. All cattle on  
14 two or more premises geographically separated but on which cattle  
15 have been interchanged or where there has been possible sexual  
16 contact between the premises is considered one herd. Sexual contact  
17 of cattle between separated premises under common management is  
18 assumed to have occurred unless complete separation and biosecurity  
19 measures between premises can be established by the herd owner or  
20 manager;

21 (10) Herd management plan means a written plan, produced  
22 by the trichomoniasis-certified veterinarian, in conjunction with  
23 the producer, which includes animal husbandry and hygiene practices  
24 specific to that herd and that is designed to limit opportunities  
25 for exposure to trichomonas foetus. This includes preventing

1 the introduction of trichomoniasis into the herd and reducing  
2 transmission of the disease among animals within the herd. A copy  
3 of the herd management plan shall be submitted to the bureau for  
4 review and final approval;

5 (11) Herd member means any susceptible species of animal  
6 that is commingled with the herd;

7 (12) Herd risk assessment means before developing  
8 an individual herd management plan, a trichomoniasis certified  
9 veterinarian shall conduct a risk assessment to identify aspects of  
10 management of all production areas likely to introduce or spread  
11 trichomoniasis infection throughout the herd. This also includes  
12 estimation of the risk of trichomoniasis based on herd history,  
13 known infection status, and biosecurity concerns. A copy of the  
14 risk assessment shall be submitted to the bureau with the herd  
15 management plan;

16 (13) Infected animal means an animal that has been  
17 confirmed by an approved laboratory to be infected with  
18 tritrichomonas foetus;

19 (14) Level achievement year means the year a herd in  
20 the testing and classification element of the program obtained its  
21 current classification. Level achievement year is noted because  
22 continued monitoring increases confidence the herd is not infected;

23 (15) Management herd means a herd that has completed  
24 a risk assessment and herd management plan that satisfies the  
25 requirements of the bureau but has not completed the requirements

1 for the test-negative herd levels or test-positive herd management;

2 (16) Official identification means an official eartag  
3 or official identification device or method as identified in 9  
4 C.F.R. and approved by the United States Department of Agriculture,  
5 Animal and Plant Health Inspection Service, Veterinary Services,  
6 as being tamper resistant and providing unique identification  
7 for each animal. An official identification may conform to the  
8 alphanumeric National Uniform Eartagging System or it may bear  
9 the valid premises identification used in conjunction with the  
10 producer's livestock production numbering system to provide a  
11 unique identification number;

12 (17) Official trichomoniasis test means the sampling of  
13 the preputial content of a bull by an accredited veterinarian. Such  
14 test shall be conducted after at least one week of sexual rest on  
15 all bulls over twenty-four months of age and all nonvirgin bulls  
16 less than twenty-four months of age. The bull and sample shall  
17 be individually identified for laboratory submission and diagnostic  
18 followup. An official trichomoniasis test shall be defined as:

19 (a) Three consecutive official negative trichomoniasis  
20 culture tests at least one week apart; or

21 (b) One negative polymerase chain reaction test;

22 (18) Premises identification number means a unique number  
23 assigned by a state animal health official to a livestock  
24 production unit that is, in the judgment of the state animal  
25 health official and area veterinarian-in-charge, epidemiologically

1 distinct from other livestock production units;

2 (19) Program means the bovine trichomoniasis control  
3 program;

4 (20) Test-negative herd means a herd that is enrolled  
5 in the program and meets the test-negative component requirements  
6 described in the act;

7 (21) Test-positive herd means a herd that is enrolled  
8 in the program and meets the test-positive component requirements  
9 described in the act; and

10 (22) Trichomoniasis-certified veterinarian means an  
11 accredited veterinarian who has completed training approved by  
12 the bureau for trichomoniasis epidemiology, testing, and test  
13 interpretation, herd risk assessments, herd management plan  
14 development, and state and federal program requirements compliance.  
15 Certified veterinarians will be required to take a trichomoniasis  
16 refresher course approved by the bureau at least once every three  
17 years.

18 Sec. 3. (1) Herds enrolling in the herd testing and  
19 classification element shall complete a herd risk assessment and  
20 develop a herd management plan.

21 (2) In order for a herd to be qualified to enter the  
22 program:

23 (a) The herd shall have been in existence for at least  
24 one year or the herd shall have been assembled with cattle  
25 originating directly from test-negative herds only; or

1           (b) The herd is assembled with cattle originating  
2 directly from test-negative herds only. Such herd shall start  
3 at the lowest certification level of the herds from which the  
4 assembled cattle were acquired. A negative first test will qualify  
5 the newly assembled herd for the next certification level.

6           (3) All official trichomoniasis tested bulls shall have  
7 official identification.

8           (4) To enter the program, the following minimum  
9 biosecurity measures shall be followed, with the herd test status  
10 being more important than individual animal status. The herd owner  
11 shall:

12           (a) Ensure that breeding animals added to the herd come  
13 only from low-risk or test-negative herds and from known sources  
14 and that no nonvirgin bulls or culled cows were made a part of the  
15 herd;

16           (b) Use test-negative bulls or artificial insemination;

17           (c) Minimize exposure of livestock to susceptible animals  
18 that are infected or have been exposed to infected animals;

19           (d) Repair and maintain fences between neighboring herds  
20 and avoid communal grazing of herds; and

21           (e) Cull all open or late-calving cows and implement a  
22 short breeding season.

23           (5) To continue in the program, a herd owner and  
24 trichomoniasis-certified veterinarian shall annually repeat the  
25 risk assessment and make appropriate changes to the herd management

1 plan. The updated risk assessment and herd management plan shall be  
2 submitted to the bureau.

3 (6) Herds previously infected with trichomoniasis may  
4 enter the program by completing herd status entry requirements and  
5 a herd risk assessment. Infected or test-positive bulls shall be  
6 removed from the herd before program entry.

7 (7) Herds tested negative for trichomoniasis prior to  
8 implementing the program may be entered after a review by the  
9 bureau. The review shall include:

10 (a) Verification that the herd meets the minimum  
11 standards for testing. Future program tests shall be performed in  
12 approved laboratories;

13 (b) Risk assessment of the number, source, and testing  
14 history of herd additions made after the first qualifying test; and

15 (c) Previously tested cattle will be accepted into  
16 the program if the herd owner provides a list of official  
17 identification corresponding to the identification listed on a  
18 test chart.

19 (8) All bulls over twenty-four months of age and all  
20 nonvirgin bulls less than twenty-four months of age shall have:

21 (a) Three consecutive official negative trichomoniasis  
22 culture tests at least one week apart; or

23 (b) One negative polymerase chain reaction test.

24 All samples shall be collected by, or under, the  
25 supervision of an accredited veterinarian and submitted to an

1 approved laboratory.

2           Sec. 4. (1) The purpose of the program is for the  
3 state to assist producers with approved trichomoniasis control risk  
4 assessment and herd management. Herds enrolled in this component  
5 shall use testing protocols approved by the bureau.

6           (2) The requirements for herds in the program are:

7           (a) The herd owner enrolling the herd shall sign  
8 an agreement to abide by the requirements concerning minimum  
9 biosecurity and management, identification, testing, and herd  
10 addition strategies. The agreement shall be renewed every ten  
11 to fourteen months after the anniversary date;

12           (b) All cattle shall be individually identified using an  
13 official identification method. Any previous regulations listed in  
14 9 C.F.R. regarding animal identification with other animal health  
15 programs still apply;

16           (c) All purchased animals should be from herds with  
17 approved herd management plans. Bulls and heifers raised off the  
18 premises should be raised with at least the minimum biosecurity and  
19 control measures in place;

20           (d) The herd owners along with the  
21 trichomoniasis-certified veterinarian shall develop a testing  
22 protocol as follows:

23           (i) All samples shall be collected by, or under, the  
24 supervision of an accredited veterinarian or a state or federal  
25 animal health official;

1           (ii) All samples shall be submitted to an approved  
2 laboratory; and

3           (iii) All animals specified in the test protocol shall  
4 be tested within ten to fourteen months after the anniversary date  
5 or may split the testing in the twelve-month period following the  
6 anniversary date.

7           (3) The test-negative component shall include a herd  
8 management plan based on the requirements in the management  
9 element. The test-negative component includes a minimum of  
10 standards. The herd owner enrolling the herd shall sign an  
11 agreement to abide by the requirements concerning minimum  
12 biosecurity, as well as the identification, testing, and herd  
13 addition requirements. Herd additions should be virgin heifers and  
14 virgin bulls. Proper fence repair and maintenance is necessary  
15 to maintain biosecurity. Open cows should be culled and sent to  
16 slaughter.

17           (4) The test-positive component shall be implemented when  
18 one or more bulls test positive for trichomoniasis. Once a herd  
19 is designated as a trichomoniasis test positive herd, several  
20 requirements are implemented. Bulls with test-positive results on  
21 an official trichomoniasis test shall be identified as infected and  
22 go directly to slaughter or rendering. Proof of slaughter shall be  
23 submitted to the bureau within fourteen days after slaughter. After  
24 test-positive bulls are identified, a herd owner shall notify all  
25 bordering neighbors within fourteen days. After this time period,

1 a trichomoniasis certified veterinarian may approach the neighbors  
2 and the neighbors' veterinarians to discuss testing and control of  
3 trichomoniasis in their herds.

4 (5) There shall be a fee to pay for enrolling in the  
5 program of one dollar per cow slaughtered in Nebraska.

6 Sec. 5. A violation of the Bovine Trichomoniasis Control  
7 Act is a Class I misdemeanor.